

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§	CASE NUMBER: 20-30825
TEXAN SUPER DEALER, INC.,	§	
DEBTOR(S)	§	
	§	
	§	CHAPTER 7
	§	
PACTUM CAPITAL, LLC, ITS	§	
SUCCESSORS IN INTEREST AND/OR	§	
ASSIGNEES,	§	
	§	
MOVANT	§	HEARING ON MOTION
	§	TO LIFT STAY
VS.	§	June 3, 2020
	§	
TEXAN SUPER DEALER, INC.;	§	
EVA S. ENGELHART, CHAPTER 7	§	
TRUSTEE; CHASEWOOD, LTD.;	§	
VICTORIA VILLAGE HOMES, LTD.;	§	
AND OMERO DEL PAPA, III,		
RESPONDENT(S)		TIME: 1:00 pm

AGREED ORDER ON AUTOMATIC STAY
WITH RESPECT TO PACTUM CAPITAL, LLC
[RELATES TO DOCKET NO. 31]

Upon consideration of “Pactum Capital, LLC’s First Amended Motion for Relief from Automatic Stay as to Motor Vehicles” filed by Pactum Capital, LLC (“Pactum”) (Docket No. 31, amending Docket No. 23), the response filed by the Chapter 7 Trustee (Docket No. 30), the response filed by creditors, Chasewood, Ltd., Victoria Village Homes, Ltd., and Omero del Papa, III (“the Objecting Creditors”) (Docket No. 25), and the below agreement of the parties, it is

ORDERED that the Automatic Stay of 11 U.S.C. § 362 is hereby terminated as to each of the forty (40) vehicles listed on the attached Exhibit “A” and related the Motor Vehicle Retail Installment Sales Contracts, and Texas Certificates of Title to allow Pactum Capital, LLC, its successors in interest and/or assigns to pursue all of its rights and remedies including collection on

notes, and repossession and sale of vehicles pursuant to applicable Texas State Law under all of the loan documents between Pactum Capital, LLC and Texan Super Dealer, Inc. including all the documents attached to “Pactum Capital, LLC’s First Amended Motion for Relief from Automatic Stay as to Motor Vehicles” (Docket No. 31).

FURTHER ORDERED that the Automatic Stay of 11 U.S.C. §362 is hereby terminated as to each of the four (4) vehicles listed on the attached Exhibit “B” and related Motor Vehicle Retail Installment Sales Contracts and Texas Certificates of Title to allow Pactum Capital, LLC, its successors in interest and/or assigns to pursue all of its rights and remedies including collection on notes, and repossession and sale of vehicles pursuant to applicable Texas State Law, under all of the loan documents between Pactum Capital, LLC and Texan Super Dealer, Inc. including all the documents attached to “Pactum Capital, LLC’s First Amended Motion for Relief from Automatic Stay as to Motor Vehicles” (Docket No. 31). These four vehicles were subject to competing lien claims between Pactum and the Objecting Creditors. By the below agreement, Pactum is entitled to enforce its liens on these vehicles and related Motor Vehicle Retail Installment Sales Contracts and Texas Certificates of Title.

FURTHER ORDERED that the automatic stay shall remain in effect as to the six (6) vehicles listed on the attached Exhibit “C” and related Motor Vehicle Retail Installment Sales Contracts and Texas Certificates of Title. These six vehicles were subject to competing lien claims between Pactum and the Objecting Creditors. By the below agreement, Pactum shall not enforce its claimed liens on these six vehicles or any related Motor Vehicle Retail Installment Sales Contracts or Texas Certificates of Title. Nothing in this order affects the lien rights in these six vehicles claimed by the Objecting Creditors.

FURTHER ORDERED that the automatic stay shall terminate as to each of the nineteen (19) vehicles and related Motor Vehicle Retail Installment Sales Contracts and Texas Certificates of Title listed in the attached Exhibit “D” subject to the following conditions and limitations:

- a) Pactum shall not exercise any of its rights unless and until authorized in writing to do so by the Chapter 7 Trustee or her attorney.
- b) The Chapter 7 Trustee may determine the location of these vehicles, Motor Vehicle Retail Installment Sales Contracts or Texas Certificates of Title, and shall retain her rights to determine the validity of liens, avoid liens, seek turnover of the vehicles and related Motor Vehicle Retail Installment Sales Contracts and Texas Certificates of Title, and take any other relief related thereto with respect to the vehicles listed in the attached Exhibit “D”.
- c) Pactum shall pay to the Trustee 25% of all funds collected in connection with each of the vehicles listed in the attached Exhibit “D” or related Motor Vehicle Retail Installment Sales Contracts or Texas Certificates of Title for those vehicles which the Trustee releases collection rights to Pactum. Pactum shall provide an accounting to the Chapter 7 Trustee by the 21st day after the end of any month in which it receives any such funds.

SIGNED:

APPROVED AS TO FORM AND CONTENT:

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EXHIBIT A

Pactum Loan	Program	Stock No.	Vehicle	Year	VIN No.	Title No.
4	Batch Loan	20042	Jeep Wrangler	2012	1C4AJWAG9CL192361	10127943694172629
5	Batch Loan	20046	Nissan Sentra	2011	3N1AB6AP2BL695863	10178443178154620
6	Batch Loan	20048	VW Routan	2012	2C4RVABG4CR390507	To be confirmed.
7	Batch Loan	20050	Honda Odyssey	2007	5FNRL38207B012439	10178243249145429
9	Batch Loan	20088	Toyota Sequoia	2004	5TDZT38AX4S207575	10178243249150553
12	Batch Loan	20109	Ford F-150	2016	1FTEX1C80GKE23054	10178243249144050
13	Batch Loan	20113	Toyota Corolla	2005	1NXBR32E75Z503125	10178043241161553
15	Batch Loan	20118	GMC Yukon XL	2002	3GKEC16Z42G211665	10127943198081540
146	Floor Plan	20124	Isuzu Axiom	2004	4S2DE58Y444600453	10122943236080819
16	Batch Loan	20132	Chevy Cruze	2013	1G1PA5SH9D7112393	10178443178161706
17	Batch Loan	20134	Toyota Corolla	2013	2T1BU4EE1DC083099	10178043449122619
107	Floorplan	20138	Mitsubishi Galant	2005	4A3AB36F65E056477	07931040867092147
141	Floorplan	20161	Land Rover LR4	2012	SALAK2D47CA609083	10130641553074637
145	Floor Plan	20176	Dodge Journey	2014	3C4PDCGB6ET280352	02030643003250050
18	Batch Loan	20190	Ford Escape	2016	1FMCU0GX2GUC30285	10176843313124235
143	Floorplan	20195	Ford Explorer	2006	1FMEU75896UA73317	24632142850100143
21	Batch Loan	20206	Honda Civic	2006	1HGFA165X6L132837	To be confirmed.
22	Batch Loan	20208	Hyundai Santa Fe	2007	5NMSH13E27H125929	10176843313120638
23	Batch Loan	20210	Chevrolet Equinox	2013	2GNALPEK9D6100696	10178043365133431
24	Batch Loan	20220	Ford Focus	2013	1FADP3F23DL285262	10122943480122038
25	Batch Loan	20221	Nissan Versa	2013	3N1CN7AP7DL823393	10178343410090535
26	Batch Loan	20222	Toyota Corolla	2010	1NXBU4EE8AZ351477	10176843313123636
148	Floor Plan	20239	Ford F-150	1999	1FTZX1725XK72486	10178143480143716
149	Floorplan	20248	Nissan Altima	2015	1N4AL3AP0FC451984	10127943383162250
33	Batch Loan	20252	Kia Rio	2012	KNADM5A32C6088706	10127943365162119
35	Batch Loan	20255	Dodge Challenger	2012	2C3CDYAG4CH213291	10178143480144550
150	Floorplan	20269	Corvette	1998	1G1YY22G2W5110103	10170639462134605
144	Floorplan	20274	Hummer H3	2006	5GTDN136568278145	10170741616084845
112	Floor Plan	20282	Acura MDX	2001	2HNYD18641H504547	170003481821152602
113	Floorplan	20283	MG	1980	GVVDJ2AG508215	01540542130131856
115	Floor Plan	20285	Toyota Land Cruiser	2008	JTMHY05J185001248	26222043513133040
121	Floorplan	20289	BMW 650	2012	WBALX5C54CC893917	10131342609250118
120	Floorplan	20295	Ford Expedition	2005	1FMFU17515LA98608	A9843672
123	Floorplan	20297	GMC Acadia	2009	1GKER13D49J112540	15420041840135202
125	Floorplan	20310	BMW 428	2015	WBA4A5C55FD410276	73668551001GA

114	Floor Plan	20329	Jaguar F Pace	2018	SADCJ2GX3JA203988	17025043192250022
98	Floorplan	20333	Audi S5	2014	WAUVGAFR2EA027146	28695343465008481
101	Floor Plan	20336	RAM 2500	2016	3C6UR5CL5GG281218	03610042491150338
30	Batch Loan	20236	Trailblazier	2005	1GNES16S756200982	10178043324093254
117	Floor Plan	20341	Honda Civic	2007	2HGFG12647H537930	10130039175150600

EXHIBIT B

Pactum Loan	Program	Stock No.	Vehicle	Year	VIN No.	Title No.
108	Floorplan	20184	Ford Focus	2012	1FAHP3K22CL435321	02130041097134331
151	Floor Plan	20270	Land Rover LR3	2006	SALAG25436A368806	10175343241105419
105	Floor Plan	20112	Chevrolet Trailblazer	2006	1GNDT13S962194298	10130242514250025
1	Batch Loan	20006	Toyota Corolla	2016	2T1BURHE8GC622444	10122943193081025

EXHIBIT C

Pactum Loan	Program	Stock No.	Vehicle	Year	VIN No.	Title No.
126	Floor Plan	20311	BMW 535	2011	WBAFR7C51BC807352	22031141309080827
104	Floor Plan	20103	Jeep Cherokee	2003	1J4GX48S63C514715	17032042260105027
			Audi A6	2012	WAUHGAF2CN065958	
			Porsche Cayenne	2012	WP1AA2A28CLA06241	
			BMW 550	2007	WBANB53577CP08482	
			Toyota Corolla	2017	5YFBURHE4HP639002	

EXHIBIT D

Pactum Loan	Program	Stock No.	Vehicle	Year	VIN No.	Title No.
106	Floor Plan	20125	Ford Expedition	2003	1FMFU17L53LB89683	10122943184081305
147	Floor Plan	20218	Kia Rio	2006	KNADE123166090598	10178343410100730
110	Floor Plan	20259	Nissan Altima	2008	1N4AL24E58C288045	01432141983152020
103	Floor Plan	20338	Ford F-250	2011	1FT7W2BT2BED12259	28695343514008575
118	Floor Plan	20342	Cadillac XTS	2013	2G61P5S34D9226755	10130141484140241
2	Batch Loan	20007	Mercury Sable	2005	1MEFM50U95A624085	10127943493120817
3	Batch Loan	20028	Ford F-150	2012	1FTNF1CTXCKD45982	10127943198084105
10	Batch Loan	20092	Toyota Matrix	2003	2T1KR32E03C016167	10178243498165600
11	Batch Loan	20096	Toyota Corolla	2010	1NXBU4EE2AZ299716	10178443178163552
14	Batch Loan	20115	Ford F-150	2010	1FTFW1EV9AFC50760	26833043680161036
20	Batch Loan	20200	Ford Mustang	2008	1ZVHT80N585171908	10122943352154808
28	Batch Loan	20234	Chevrolet Suburban	2007	3GNFC16007G136771	10178143480144041
29	Batch Loan	20235	Mazda Tribute	2004	4F2YZ04144KM18888	10178243498165254
31	Batch Loan	20240	Audi A4	2009	WAUSF78K09N048682	10178243498170110
32	Batch Loan	20247	Hyundai Sonata	2015	5NPE24AF9FH219268	26833043680161126
34	Batch Loan	20254	Nissan Altima	2007	1N4AL21EX7N493934	10122943480120553
8	Batch Loan	20078	Ford Explorer	2004	1FMZU62K34UA60989	Unknown
19	Batch Loan	20199	Dodge Avenger	2008	1B3LC56K48N159193	Unknown
27	Batch Loan	20232	Toyota Tundra	2008	5TFBV54168X041584	Unknown